



Date of Notice of Allowance: May 17, 2005
Confirmation No.: 3250
Serial Number: 10/051,591

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rudy Mazzocchi et al. Attorney Docket: MVA1001USC4
Serial No.: 10/051,591 Group Art Unit: 3731
Filed: January 18, 2002 Examiner: Vy Q. Bui
For: METHOD AND DEVICE FOR FILTERING BODY FLUID

**TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. § 1.311),
COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE AND
REQUEST FOR CONSIDERATION OF SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Applicants hereby pay the issue fee for the attached Issue Fee Transmittal PTOL-85 (1 page) and further requests that the attached Comments on Statements of Reasons For Allowance be entered and that the attached Supplemental Information Disclosure Statement be considered in accordance with 37 C.F.R. § 1.97(d).

Certificate of Express Mailing (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 729517461 US in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: August 16, 2005

Signature: 

08/18/2005 EFLORES 00000108 10051591

01 FC:1806

180.00 DP

Name: Jodi Jung

Transmittal of Payment of Issue Fee
Applicants: Rudy Mazzocchi et al.
Serial Number: 10/051,591

Attorney Docket: MVA1001USC4

2. Fee (37 C.F.R. §§ 1.18(a) and (b)):

Application status is:	<u>Regular</u>	<u>Design</u>
<input type="checkbox"/> small business entity - fee	<input type="checkbox"/> \$700	<input type="checkbox"/> \$400
<input type="checkbox"/> verified statement attached		
<input type="checkbox"/> verified statement filed on _____		
<input checked="" type="checkbox"/> other than a small entity - fee	<input checked="" type="checkbox"/> \$1400	<input type="checkbox"/> \$800

3. Payment of fee:

Enclosed please find a check for \$1910.00 (issue fee of \$1400.00, publication fee of \$300.00, ten copies of patent at \$3.00 each, and \$180.00 for Supplemental Information Disclosure Statement per § 1.17(p)).

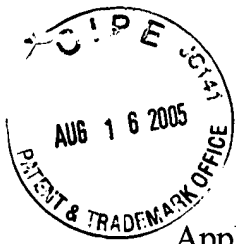
Charge Account 16-2312 for any fee deficiency.

Charge Account _____ the sum of \$ _____.

Respectfully submitted,

Dated: 8/16/05

By Terry L. Wiles
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COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22323-1450

Dear Sir:

Two Notices of Allowance were issued in this application, both with due dates of 8/17/2005. The Examiner signed one Notice of Allowance on 05/13/2005 and another Notice of Allowance on 05/14/2005.

After conferring with the Examiner Applicants' attorney has been informed that the Notice of Allowance signed on 05/14/2005 should be considered as a supplement to the Notice of Allowance signed on 05/13/2005. Applicants note that the Examiner's statement of "Reasons for Allowance" differ in the two Notices of Allowance. In each case the Applicants submit that the Reasons for Allowance are unduly restrictive.

The Notice of Allowance signed on 05/13/2005 contains the Examiner's statement of Reasons for Allowance as follows:

The prior art reference has failed to disclose or suggest a method for using a filter device, and the filter device is carried by a

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Date: August 16, 2005

Signature: Jodi Jung
Name: Jodi Jung

guidewire and restrained by a tubular sheath as recited in the independent claims 1, 40 and 45.

Applicants point out that although the Examiner refers only to a method independent claim 1 claims a device for filtering fluid. Further, although the Reasons for Allowance refer to a filter device carried by a guidewire and "restrained by a tubular sheath" the language of independent claims 1, 40 and 45 requires only that the filter element be "restrained in the lumen of the sheath". Applicants submit that it is the language of the claims which accurately defines the invention and not the Examiner's statement of Reasons for Allowance.

In the Notice of Allowance signed on 05/14/2005, the Examiner sets forth an aggregation of limitations selected from or based on limitations contained in various of the allowed claims. Applicants submit that their invention is not limited to the collective aggregation of limitations set forth by the Examiner in the Reasons for Allowance but is defined by the wording of the individual claims themselves.

It is believed that no additional fees are due in connection with this submission. However if this is incorrect, please charge any additional fees to Deposit Account No. 16-2312.

Respectfully submitted,

Dated: 8/16/05

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